

May 4, 1999

Thomas E. Kelly (MC-2131)
Small Business Advocacy Chair
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

**Subject: Control of Air Pollution From New Compression-ignition and Spark-ignition
Recreational Marine Engines; SBREFA Small Business Advocacy Panel**

Dear Mr. Kelly:

I have received your letter dated April 16, 1999 regarding Control of Air Pollution From New Compression-ignition and Spark-ignition Recreational Marine Engines, notifying us of the possibility of convening a Small Business Advocacy Review Panel under §609(b) of the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996.

Having examined the list of suggested small business representatives, we have added two additional parties to the list at this time. In addition, we understand that John McKnight of the National Marine Manufacturers Association is looking for additional small entity representatives in the boat manufacturing sector, as these appear to be underrepresented. We look forward to the May 11 briefing of the small entity representatives regarding this rule.

Next Steps

We understand that the agency plans to re-evaluate whether the proposal would have a significant impact on a substantial number of small entities. If the agency finds no such impact, a Panel would not be required under SBREFA. If a Panel were convened, a final Panel report would be prepared.

If a panel is warranted, we ask that EPA provide, in advance of the convening of the Panel, supporting materials and possibly a draft regulatory analysis and/or draft rule (see RFA §609(b)(4)), in order to allow sufficient review time by Panel members. We note that the agency's information under RFA §609(b)(1) which accompanied the April 16th notice was one page in length and only provided qualitative, not quantitative analysis. We also understand that EPA is under a statutory deadline to promulgate this rule by November, and strongly recommend that the agency hold several prepanel meetings in accordance with the most current EPA SBREFA guidance to assure that adequate and timely information and data is provided to the small entity representatives and the panel representatives.

Sincerely,

Jere W. Glover
Chief Counsel for Advocacy

cc: Art Fraas, OMB

Additional Small Entity Representatives

Walter S. Brown
Director, Government Affairs
Engine Manufacturers Association
401 North Michigan Avenue
Chicago, Illinois 60611-4267

John McKnight
Director, Environmental and Safety Compliance
National Marine Manufacturers Association
1819 L. Street, NW
Suite 700
Washington, DC 20036